

striking out the words and figures "Section 1" and inserting in lieu thereof the words and figures "Section 4."

The amendments were adopted severally.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 5 by striking out all of Sections 10 and 11 and insert in lieu thereof the following:

"The number of employees to carry out the provisions of this Act and the salaries of each shall be as fixed in the Departmental Appropriation bill."

Question—Shall the amendment be adopted?

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 160, A bill to be entitled "An Act to provide for the placing of imprint plates on all State owned postage meters; providing certain information to be placed on the imprint plates; providing a fine for the use of such machine for private purposes; providing for the payment of cost and installation of such plates; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 150, A bill to be entitled "An Act to amend Article 666, Title 20, Chapter 4, Revised Civil Statutes of Texas 1925 to provide for a method of selling, disposing or transferring of State property which has become unfit for use, or no longer needed; providing a notice of sale; and providing for disposition of monies re-

ceived from sale; and providing for a final report covering sale and disposition."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached Committee amendments.

LANNING, Chairman.

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 47, A bill to be entitled "An Act amending Articles 608 and 613 of Title 20, Chapter 2 of the Revised Civil Statutes of 1925 so as to enable the Board of Control to invite bids on printing, binding, stationery, and supplies of like character estimated to cost less than One Hundred (\$100.00) Dollars without publishing the proposed letting, and prescribing the method by which the Board of Control notifies the successful bidder of the amount of the bond or certified check required; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

#### Adjournment

On motion of Senator Brownlee, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### NINETEENTH DAY

(Tuesday, February 16, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones
Chadick	Kelley
Cotten	Lane
Fain	Lanning

Lemens	Ramsey
Lovelady	Shivers
Martin	Stone
Mauritz	Sulak
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Morris	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Communication from Mr. Ed Kilman

At the direction of the President, the following communication was read to the Senate:

Houston, Texas,  
February 15, 1943.

Hon. Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Bob: As many legislative time-killers as I've cussed during 15 years of covering the House and Senate, I do not want to take up the Senate's time even for a minute by asking that my thanks be conveyed to that august body for the most flattering resolution adopted last week concerning me.

However, I do want to express my thanks and sincere appreciation for this great honor, and so I am writing you to say that it was a generous and friendly action and is sincerely appreciated.

I shall keep and cherish this resolution, and members of my family will keep the copies which you sent for them. And the first time I want to borrow any money I shall show this resolution to the banker the first thing. I never thought I'd get a legislative resolution except to sue the State.

I miss the Legislature as badly as a penned-up calf misses its mammy, and am watching its operations as closely as I possibly can from this distance. I'd be glad even to cover a few night committee meetings in order to enjoy the fellowship of the Members and others of the legislative family.

Sincerely yours,

ED KILMAN.

#### Reports of Standing Committees

Senator Lovelady submitted the following reports:

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 194, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

LOVELADY, Chairman.

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 132, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be printed.

LOVELADY, Chairman.

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 133, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be printed.

LOVELADY, Chairman.

Senator Sulak submitted the following reports:

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 122, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 121, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 97, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 93, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senator Kelley submitted the following report:

Austin, Texas,  
February 16, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 6, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee substitute pass in lieu thereof and be printed.

KELLEY, Chairman.

Senator Shivers submitted the following report:

Austin, Texas,  
February 11, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Commerce and Manufacturing to whom

was referred S. B. No. 178, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Sulak and Mauritz:

S. B. No. 182, A bill to be entitled "An Act declaring the floods of Colorado County, Fayette County, and Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half ( $\frac{1}{2}$ ) of the State ad valorem taxes collected in Jackson County; authorizing a donation and grant to Fayette County Flood Control District of one-half ( $\frac{1}{2}$ ) the State ad valorem taxes collected in Fayette County; authorizing a donation and grant to Colorado County Flood Control District of one-half ( $\frac{1}{2}$ ) of the State ad valorem taxes collected in Colorado County; providing that such taxes donated to shall be used for flood control improvement and maintenance purposes; specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by the pledge of funds donated and granted by the State; describing the manner of issuance thereof; providing that this Act shall be severable; repealing all laws in conflict; and declaring an emergency."

To Committee on State Affairs.

By Senator Mauritz:

S. B. No. 183, A bill to be entitled "An Act providing that the serving as a Judge of a Court of Record, within the State of Texas, for six (6) consecutive years, prior to making application to take the bar examination, shall be equivalent to, and may be substituted for, the prelegal study and training and the study of the law required as a prerequisite for the taking of the examination to practice law; declaring that those who comply with such provision, relative to serving as a Judge of a Court of Record, and relative to moral character, shall be eligible to take exam-

ination for license to practice law; providing that thirty (30) days notice to the Supreme Court shall be sufficient notice; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Morris:

S. B. No. 184, A bill to be entitled "An Act amending Article 4590-a, Chapter 14, Title 71 of the Revised Civil Statutes of Texas, 1925, as revised, by amending Sections 3 and 13 of said Article; providing for the regulation of expenses of non-profit corporations furnishing hospital care to their members, with limitations; providing for the investment of funds of said corporations; and declaring an emergency."

To Committee on Insurance.

By Senator Fain:

S. B. No. 185, A bill to be entitled "An Act making a specific appropriation out of the General Revenue Fund of the State of Texas not otherwise appropriated, to pay a judgment obtained by National Biscuit Company against the State of Texas pursuant to the resolution granted by the State of Texas to the said National Biscuit Company authorizing it to sue the State of Texas for the recovery of filing fees and franchise taxes paid to the Secretary of the State of Texas, which filing fees and franchise taxes the Courts of the State of Texas held to have been illegally collected; and, providing further that the Comptroller of the State of Texas be directed to issue a warrant to pay said judgment to the party herein named in payment of the same in the amount specified herein; and declaring an emergency."

To Committee on Finance.

By Senators Lovelady, Morris, Beck, Jones, and Bullock:

S. B. No. 186, A bill to be entitled "An Act granting the State Board of Education authority to adopt books in sets or series form suitable for use as supplementary readers and/or reference books or textbooks covering science, biology and related scientific subjects, such books to be of such form, composition and content to be suitable for use as textbooks in Junior and Senior High Schools; granting authority to said Board to

contract for such books from one (1) to six (6) years; and declaring an emergency."

To Committee on Education.

By Senator York:

S. B. No. 187, A bill to be entitled "An Act to amend Chapter 88, Section 10, Acts of the Forty-first Legislature, Second Called Session, page 172, Acts 1929, to provide that all license fees collected by any tax collector on out-of-state trucks shall be deposited with the State Treasurer to the credit of a special fund designated as 'The State Highway Fund,' regardless of the county in which the license is purchased; repealing all parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Ramsey:

S. B. No. 188, A bill to be entitled "An Act authorizing the transfer of the title to 20 3/10 acres of land, more or less, from the Rusk State Hospital to the Texas State Railroad with full authority to lease or dispose of it as plant sites for industries located on said railroad by its board of managers, or manager; . . . providing for an easement across the property described in this Act where the Texas sewer lines cross the same; and providing that the Rusk State Hospital be allowed six months from the date of transfer in which to remove and/or sell the timber now located on the tract of land described herein; and declaring an emergency."

To Committee on State Affairs.

#### Message from the Governor

The following message from the Governor was received and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
February 16, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors of the Agricultural and Mechanical College of Texas for six year terms expiring January 10, 1949:

H. L. Kokernot, Jr., of Alpine, Brewster County,

Raleigh White of Brady, McCulloch County,

F. M. Law of Houston, Harris County.

To be Secretary of State, for the term expiring January 18, 1945:

Sidney Latham of Longview, Gregg County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

### Senate Resolution 35

(Committee to Investigate Free Textbook Matters)

Senator Metcalfe offered the following resolution:

Whereas, The State of Texas is expending for free textbooks to be used in the public schools from \$1,500,000 to \$2,000,000 each year; and

Whereas, There are now pending before the Legislature several bills proposing to alter the subjects in adoption, and the method of administration in the purchase and distribution of textbooks; and

Whereas, It is desirable that the Legislature acquire impartial information concerning the efficiency and compatibility of the administrative methods now prescribed by law, and concerning the costs and use of textbooks, and such other data as may be needful to assist the Legislature in determining whether to continue or to change present laws and provisions relating to the purchase, distribution and use of free textbooks in the public schools of this State; now, therefore

Resolved by the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five Members of the Senate to sit at such time and places between this date and the date of the adjournment of the Regular Session of the Forty-eighth Legislature, as may to said committee seem necessary and proper; and to inquire into any other affairs and activities of governmental departments, institutions, persons, firms or corporations of whatever kind and character, as such activities

is any way affect the situation above set forth, and shall have authority to investigate and inquire into such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files and any and all other instruments and documents pertinent to the matter under investigation by said committee, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three Members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said committee shall have power and authority to employ and

compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice; and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee on request of chairman or Members of said committee.

Sec. 7. That said committee shall submit a report in writing to this Legislature at the earliest practicable time, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-eighth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-eighth Legislature to meet the payment of such per diem and expenses of the Members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read and was adopted.

In accordance with the provisions of the resolution, the President appointed the following committee:

Senators Metcalfe, Lemens, Aikin, Morris, and Bullock.

#### House Bill 173 Recommitted

On motion of Senator Weinert, and by unanimous consent, H. B. No. 173 and C. S. H. B. No. 173 were re-committed to the Committee on Civil Jurisprudence.

#### Statement by Senator Cotten

Senator Cotten, at this time, thanked the Members and the officers and employees of the Senate for the expressions of condolence and sympathy extended him and his family following the recent death of his son-in-law, Cadet Harold Randolph Bailey.

#### Report of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
February 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was re-committed H. B. No. 173, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### Senate Bill 5 on Engrossment

(Unfinished Business)

The President laid before the Senate, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 5, A bill to be entitled "An Act to regulate the sale of agricultural insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, providing for the collection and analysis of samples, the expenses of the enforcement of the law, fixing penalties for its violation; and declaring an emergency."

With amendment by Senator Aikin pending.

Senator Aikin withdrew the pending amendment.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 5, page 4 by striking out all of line 29 after the word "Registration" and by striking out the remainder of Section 10 and insert in lieu thereof the following:

"All the fees collected shall be deposited in the General Revenue Fund."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 5 by striking out the last sentence in the first paragraph of Section 5 of the printed bill.

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 5, Section 7, by striking the words "the 'State Chemist Fund' as set up under this Act" in line 51 of page 3 and by substituting in lieu thereof the words "the General Fund of the State of Texas."

The amendment was adopted.

(President pro tempore in the Chair.)

Senator Moore offered the following amendment to the bill:

Amend Section 8 of S. B. No. 5, line 53 by inserting after the word "place" the words "other than a residence, and owned or operated by a registrant, and"

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 5 by inserting the word "railroad" before the word "car" in line 53, Section 8.

The amendment was adopted.

Senator York offered the following amendment to the bill:

Amend S. B. No. 5 by striking all of Section 9.

YORK,  
AIKIN,  
MOORE.

Senator Moffett moved to table the amendment.

(President in the Chair.)

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10

Bullock	Metcalf
Formby	Moffett
Lane	Morris
Lemens	Sulak
Mauritz	Vick

Nays—19

Aikin	Cotten
Beck	Fain
Brownlee	Graves
Chadick	Hazlewood

Jones	Shivers
Kelley	Stone
Lanning	Weinert
Lovelady	Winfield
Martin	York
Moore	

Absent

Ramsey

Absent—Excused

Spears

Senator Lovelady offered the following substitute for the amendment:

Amend S. B. No. 5, Section 9, page 4, line 11 by striking out the words "the intent of"

MORRIS,  
LOVELADY.

Senator Aikin raised the point of order that the substitute is not germane to the purposes of the amendment and is not a proper substitute for it.

The President overruled the point of order.

Senator York moved to table the substitute.

(Senator Kelley in the Chair.)

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Aikin	Martin
Beck	Moore
Brownlee	Ramsey
Chadick	Shivers
Cotten	Stone
Fain	Vick
Hazlewood	Weinert
Jones	Winfield
Lanning	York
Lemens	

Nays—11

Bullock	Mauritz
Formby	Metcalf
Graves	Moffett
Kelley	Morris
Lane	Sulak
Lovelady	

Absent—Excused

Spears

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—20

Aikin	Brownlee
Beck	Chadick

Cotten	Moore
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Vick
Kelley	Weinert
Lanning	Winfield
Martin	York

Nays—10

Bullock	Mauritz
Formby	Metcalf
Lane	Moffett
Lemens	Morris
Lovelady	Sulak

Absent—Excused

Spears

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 5 by striking out Section 6 and Section 7 appearing on page 3 of the printed bill.

Question—Shall the amendment be adopted?

(President in the Chair.)

#### House Bill 173 on Second Reading

Senator Weinert, by unanimous consent, moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 173 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent—Excused

Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 173, A bill to be entitled "An Act to amend Section 5, Chapter 156, Acts 1927, Fortieth Legislature, and providing for the assignment by the presiding judge of the several administrative districts of the State of another judge within the district to preside over a district court in instances where the office of the regular district judge is for any reason vacant."

The bill was read second time and was passed to third reading.

#### House Bill 173 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 173 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Lemens	Ramsey
Lovelady	Shivers



Stone	Formby
Sulak	Graves
Vick	Hazlewood
Weinert	Jones
Winfield	Kelley
York	Lane
Fain	Lanning

Absent—Excused

Spears

#### Senate Bill 129

Senator Chadick, by unanimous consent, moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature to permit the consideration of S. B. No. 129 within said period.

The motion prevailed by the following vote:

Yeas—30

Aikin	Brownlee
Beck	Bullock

Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Kelley	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Spears

#### Adjournment

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## In Memory of Lieutenant Henry Reynolds Smith

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Senator Kelley offered the following resolution:

(Senate Resolution 34)

Whereas, Lieutenant Henry Reynolds Smith was born at Haskell, Texas, in April, 1921; and

Whereas, Lieutenant Smith was a graduate of Throckmorton High School, and graduated from Texas A. & M. College in June, 1941; and

Whereas, Lieutenant Smith entered the Army Air Forces immediately following his graduation, and received his commission in September, 1942, and was assigned as a pilot instructor at the United States Air Base at Enid, Oklahoma, following the receipt of his commission; and

Whereas, Lieutenant Smith died in a crash of his plane near Enid, Oklahoma, while ferrying a plane from Hutchinson, Kansas to Enid, Oklahoma on December 22, 1942, thus making the supreme sacrifice for his country while in the line of duty, and while only twenty-one years of age; and

Whereas, He left surviving him his young wife, his father and mother, Mr. and Mrs. Henry L. Smith of Throckmorton, Texas, and an uncle and aunt, our beloved Lieutenant Governor and Mrs. John Lee Smith; and

Whereas, In his passing, his community, State and Nation have lost a noble young man and an outstanding officer; and the loss of this splendid young man will be deeply felt by his loved ones, by all who knew him, and by all who served with him, for the fine character that he was; and

Whereas, Lieutenant Smith lost his life in preparing himself and other young men to fight for their country and for the Democratic way of life, and gave his life in order that others might have their freedom and liberty; now, therefore, be it

Resolved by the Senate of Texas, That we extend our deepest sympathy and consolation to his wife, Mrs. Henry Reynolds Smith, his parents, Mr. and Mrs. Henry L. Smith, to the Lieutenant Governor and Mrs. John Lee Smith, and to the entire family and his many friends; and, be it further

Resolved, That the Secretary of the Senate send a copy of this resolution to each member of this gallant young man's family, and that when the Senate adjourn today, it do so out of honor and respect and in silent tribute to the memory of Lieutenant Henry Reynolds Smith.

KELLEY.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote of the Senate.

Pending reading and consideration of the resolution, Senator Bullock occupied the Chair temporarily.